

United States District Court
District of Massachusetts

_____)	
United States of America,)	
)	
v.)	
)	
Gregory Colburn, et al.,)	
)	Criminal Action No.
Defendants.)	19-10080-NMG
)	
)	
)	
_____)	

MEMORANDUM & ORDER

GORTON, J.

Defendant Douglas Hodge pled guilty to one count of conspiracy to commit mail and wire fraud and honest services mail and wire fraud, in violation of 18 U.S.C. § 1349, and one count of money laundering conspiracy, in violation of 18 U.S.C. § 1956(h). He agreed to pay bribes totaling \$850,000 over the course of more than a decade to secure the admission of two of his children to the University of Southern California and two of his children to Georgetown University. On February 7, 2020, this Court sentenced defendant Hodge to, inter alia, nine months' imprisonment.

On March 13, 2020, this Court allowed Hodge's motion to extend his self-surrender date until May 4, 2020. On April 23, 2020, Hodge moved to modify his sentence to impose home

confinement pursuant to 18 U.S.C. § 3582(c) because of concerns related to the COVID-19 pandemic. This Court agreed to postpone the self-surrender date of defendant Hodge again until June 30, 2020, but declined to convert his sentence to home detention. Hodge subsequently surrendered to FCI Otisville in New York on June 23, 2020, a week early.

Defendant has now moved pursuant to 18 U.S.C. § 3582(c) to modify his sentence to impose home confinement or, in the alternative, reduce his sentence because of concerns related to the COVID-19 pandemic, the harsh prison conditions imposed to prevent its spread and an unrelated family emergency. The government opposes the motion on several grounds including 1) the conditions imposed have been necessary and successful in minimizing the spread of COVID-19 within FCI Otisville and 2) the defendant chose to surrender to prison early, knowing that he would be quarantined for at least 14 days. With leave of Court, defendant has filed a reply in support of his motion to modify sentence which the Court has considered.

The COVID-19 pandemic is an unprecedented and continually evolving cause of concern and the Court is cognizant of the particular risk of transmission in penitentiary facilities. As explained at defendant's sentencing and, notwithstanding the current public health crisis, there are good reasons why the period of incarceration imposed is warranted by the defendant's

criminal conduct in this case. The Court will, therefore, deny defendant's motion. The Court is, however, sensitive to Hodge's family emergency. If the circumstances surrounding that emergency worsen and/or the public health crisis does not continue to abate within the next few months, the Court will entertain a motion to reconsider.

ORDER

For the foregoing reasons, the motion of defendant Douglas Hodge to modify sentence (Docket No. 1434) is **DENIED without prejudice.**

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated September 21, 2020